IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12831 of 2007(C)

PETITIONER:

P.VASUDEVAN, S/O. APPU,
PUTHIYOTTIL HOUSE, P.O.KUNNAMANGALAM,
KOZHIKODE DISTRICT.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:
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1. THE DISTRICT REGISTRAR (GENERAL),
OFFICE OF THE DISTRICT REGISTRAR,
KOZHIKODE.

2. KUNNAMANGALAM EDUCATION SOCIETY,
REP. BY ITS ACTING PRESIDENT, K.P.SURENDRAN,
S/O.K.P.CHOYI, `SCORPIOUS', P.O.PUTHIYARA,
KASABA AMSOM DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.12831 of 2007

Dated this the 12th day of April, 2007

JUDGMENT

The petitioner is a member of a Society which according to the petitioner has become defunct. The petitioner filed a suit before the Civil Court for declaring the Society as defunct and for framing an appropriate scheme for the Society, the suit was dismissed by the lower court. The petitioner has filed an appeal against the decree before the Sub Court which is pending. In the meanwhile the petitioner apprehends that the first respondent is initiating steps to make records to show that the Society is actually functioning.

2. In the above circumstances, the petitioner has filed this writ petition seeking the following reliefs:

> i) issue a writ, order or direction directing the first respondent not to proceed with Ext.P2 pending disposal of A.S.106/2006 before the II Additional Sub court, Kozhikode.

ii) to declare that the 2nd respondent society has become defunct and to direct the first respondent to frame proper scheme to run the educational institution under it.

iii) Such other writ, order or direction which this Hon'ble Court may deem fit and proper to grant in the facts and circumstances of the case.

3. I have heard the learned counsel for the petitioner as also the learned Government Pleader appearing for the first respondent.

4. I feel that the proper remedy of the petitioner is to file a petition in the appeal pending before the Sub Court. However, the learned counsel for the petitioner expresses apprehension that without Section 80 notice he may not be able to move the Civil Court. In the above circumstances, I dispose of this writ petition on the following terms:

The first respondent would treat this writ petition as a notice under Section 80 of the Code of Civil Procedure. On that basis, the petitioner may move the Civil Court where the appeal is pending for appropriate orders for the reliefs prayed for in this

writ petition. The petitioner shall produce a copy of this writ petition before the first respondent for information and compliance.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

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